

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

)
) 03 MDL No. 1570 (RCC)
)
)

THOMAS E. BURNETT, SR., *et al.*,

Plaintiffs,

v.

)
) C.A. No. 03 CV 9849 (RCC)
)
)

AL BARAKA INVESTMENT AND DEVELOPMENT
CORPORATION, *et al.*,

Defendants.

DECLARATION OF ADEL A.J. BATTERJEE (D93)

I, Adel A.J. Batterjee, being duly sworn, declare and state as follows:

1. I am over 18 years of age and competent to testify to the matters set forth below of my own personal knowledge.

2. I have been informed by my attorney that I am listed as a defendant (D93) in the above-captioned action. I am submitting this declaration in support of my Motion to Dismiss for lack of personal jurisdiction, failure to state a claim upon which relief can be granted and improper service of process.

3. I was born on June 1, 1946 in Jeddah, Saudi Arabia, and have lived in Saudi Arabia all of my life. I have always been a citizen of the Kingdom of Saudi Arabia.

4. I am a merchant in Jeddah, Saudi Arabia.

5. I first visited the United States when I came as a student from 1963-1967. I have visited the US since then, with the last visit in June 2000. The purposes of the visits were

personal.

6. I own no real property in the United States. I also have no bank accounts, and have no investments in the United States. I do not conduct any personal business with any businesses in the United States nor do I have a Social Security number.

7. I do not subscribe to or read either the *International Herald Tribune* or the *Al Quds al Arabi*. The latter publication, to my knowledge, is banned in the Kingdom of Saudi Arabia.

8. I have never supported the loss of innocent life and believe that there is no justification for the tragic attacks of September 11, 2001. I have never supported any person or organization that I have known to participate in terrorist activities. At no time did I ever knowingly participate in, or support in any way, terrorist activities, nor was anyone ever authorized by me, explicitly or implicitly, to engage in such activities.

9. The only specific allegations against me in the Third Amended Complaint in ¶¶75, 76, 180-5, 217-219, 228-230, 365 are rife with factual errors and incorrect associations. While the word 'Bir' in Arabic is translated as 'Benevolence', BIF was never a branch of Al Bir or vice versa. I never sent money to BIF in all its history and transferred all control in 1993, after which I exercised neither daily nor financial control of BIF in any way. Also, I never served as any executive of World Assembly of Muslim Youth, let alone Secretary-General. Furthermore, I was never charged or implicated in any criminal case in the US. Taken in their totality, all the allegations about me in the Third Amended Complaint portraying me as conducting business in the US and being tied, directly or indirectly, to al-Qaeda are false.

10. I also deny that I had any knowledge of the activities of Osama bin Laden and al Qaeda other than what is generally known through the press. Also, I never wrote a biography of

bin Laden as alleged in ¶230.

11. I also deny having any knowledge of any terrorist activities as alleged in ¶¶ 14, 15, 18, 20 and 38 of Plaintiffs' More Definite Statement as to Defendant Yousef Abdul Latif Jameel (Mar. 16, 2004), due largely to Plaintiff's lack of specificity and the secret nature of the alleged "evidence" used by the governments in their investigation and designation process.

12. I can read and understand English.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Adel A.J. Batterjee

Executed on the 8th day of April, 2004.